

**Article 2: Public Rights-of-Way and Land Development****Division 11: Procedures for Work on Utility Installations in the Public Right-of-Way**

*(Retitled from "Procedures for Use of Public Rights-of-Way by Public Utilities"  
on 10-8-2001 by O-18995 N.S.)*

**§62.1101 Purpose and Intent**

It is the purpose and intent of this Division to provide policies and procedures for the use of the public rights-of-way within the City in order to:

- (a) Preserve the public rights-of-way by conserving the limited space available within the public rights-of-way within the City.
- (b) Maintain safe conditions for the public use of the public rights-of-way within the City.
- (c) Minimize the inconvenience to the public.
- (d) Provide specific guidelines for the coordination of placement of installations to ensure a level of street improvement that is functionally safe, and preserves the integrity of public facilities.
- (e) To establish cost recovery mechanisms for inspections.  
*("Purpose and Intent" added 5-28-1996 by O-18309 N.S.)*

**§62.1102 Definitions**

For purposes of this Division the definitions in Section 62.0102 apply. In addition, the following definitions apply:

"Blockage Report" means a report made on a City-created form indicating the area and type of work to be done in the public rights-of-way.

"California Coordinate System" means the coordinate system used to establish horizontal control, based on the North American Datum of 1983 (NAD83), as established by the National Geodetic Survey pursuant to Public Resources Code sections 8801-8819.

“Cathodic Protection” means control of external corrosion on underground or submerged metallic systems. “City’s Standard Drawings” means that document on file in the Office of the City Clerk as Document No. 769819.

“Decorative Surface” means any non–standard surface on the public rights–of–way such as ceramic tile, concrete pavers, stamped concrete, or other surface using a unique treatment.

“Dry Utilities” means all public utilities other than those providing water, gas and sewage services.

“Inspection Fee” means the fee assessed pursuant to Section 62.1107 to reimburse the City for its costs of inspecting work in the public rights–of–way within the City.

“Installations” means any type of structure, apparatus, plant, equipment or other property installed in the public rights–of– way.

“Joint Trenches” means the mechanism approved by the City Engineer for the shared use by Dry Utilities of limited space in the public rights–of–way.

“Markout” means a marking on the pavement that identifies the type and approximate horizontal location of underground installations.

“Pavement” means the fully improved roadway surface within the public rights–of–way, designed and constructed to support the movement of vehicular traffic. Pavement typically consists of asphaltic concrete or Portland cement concrete.

“Pothole” means a limited excavation used to determine the actual (vertical and horizontal) location of underground installations.

“Trenching” means the type of excavation for the placement of installations in the public rights–of–way in accordance with City’s Standard Drawings.

“Trench Plate” means a temporary structural steel plate, secured in place, to safely support legal loads over excavations in the public rights–of–way.

“Underground Service Alert” means the state–mandated agency responsible for, after receiving notice of a planned excavation, notifying all public utilities that have underground installations in the public rights–of–way prior to any excavation.

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“Unimproved Rights-of-Way” means City rights-of-way that do not have pavement and do not have a sidewalk, curb or gutters.

*(“Definitions” added 5-28-1996 by O-18309 N.S.)*

### **§62.1103 Authority of City Engineer and Duty to Obtain City Engineer Approval**

The City Engineer is authorized to adopt procedures to implement this division. All persons shall obtain written authorization from the City Engineer before commencing any work on public rights-of-way within the City.

*(“Authority of City Engineer and Duty to Obtain City Engineer Approval” added 5-28-1996 by O-18309 N.S.)*

### **§62.1104 Records**

(a) All persons with installations in the public rights-of-way shall maintain accurate records relating to the location of that person’s installations. For this purpose the person shall use the California Coordinate System or the current system used by the person, providing that such system can be readily understood by others. Such records may not be relied upon to provide information other than the approximate location of the person’s installations.

(b) Within fifteen (15) days of receipt of a request, all persons shall make these records available to the City.

*(“Records” added 5-28-1996 by O-18309 N.S.)*

### **§62.1105 Installations**

(a) All persons wishing to work in the public rights-of-way shall first call for markout, then pothole, whenever any excavation in the public rights-of-way makes it necessary to know the exact horizontal and/or vertical placement of that person’s installations.

(b) All such persons shall give Underground Service Alert a minimum of two (2) working days advance notice before any markout or pothole is commenced.

(c) If unforeseeable circumstances arise requiring immediate action, marking-out and potholing shall be done within twenty- four (24) hours after Underground Service Alert is notified.

(d) All cuts shall be made with a sawcut, rockwheel or other method approved by the City Engineer.

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- (e) New installations placed in the public rights-of-way shall occupy the locations indicated in the City Standard Drawings unless otherwise authorized by the City Engineer.
- (f) All installations placed in the public rights-of-way shall comply with City's Standard Drawings.

*(Amended 10-8-2001 by O-18995 N.S.)*

#### **§62.1106 Placement and Removal of Markouts**

- (a) Markouts shall not be placed in the public right-of-way more than thirty (30) days prior to the commencement of excavation work performed in connection with an installation. If the excavation work is not commenced within thirty days of the placement of the markout, the markout shall be immediately removed.
- (b) Markouts shall be removed from all surfaces in the public right-of-way, including decorative surfaces, within thirty (30) days of the completion of the excavation work, if the work is completed, but in any event no later than sixty (60) days from the date the markout is placed in the public right-of-way.

*("Placement and Removal of Markouts" added 10-8-2001 by O-18995 N.S.)*

#### **§62.1107 Documents Required for City Engineer Authorization**

- (a) All persons placing installations in the Public rights-of-way shall file a Blockage Report with the City Engineer no later than two (2) working days prior to commencing any work. After review of the Blockage Report, the City Engineer may require that person to file a traffic control plan.
- (b) For any installations funded by a public utility, other than lateral installations or other minor installations as determined by the City Engineer, at least two (2) months prior to beginning any cut, the public utility shall submit to the City Engineer copies of maps which indicate the area and location of installations. For any installations funded by public utility customers, the public utility shall provide the requisite number of copies of maps as soon as such installation is planned.

*("Documents Required for City Engineer Authorization" renumbered from Sec. 62.1106 on 10-8-2001 by O-18995 N.S.)*

**§62.1108 Inspection Fees; Inspections**

- (a) All persons placing installations in the public rights-of-way shall pay an inspection fee to the City Engineer. The City Engineer has the authority to set the schedule of fees collected pursuant to Section 62.1108 provided that such fees do not exceed the reasonable cost of conducting the random inspections authorized by Section 62.1108(f). The inspection fee will be used to reimburse the City for the costs of conducting the random inspections set forth in Section 62.1108(f).
- (b) The inspection fee shall be paid either: (1) prior to each inspection, or (2) by making payment to the City within thirty (30) calendar days of having received an invoice from the City. Invoices will be sent by the City no more frequently than on a monthly basis.
- (c) If a person elects to make an annual deposit, upon request by the City Engineer, the person shall deposit additional money when the funds on deposit are exhausted.
- (d) Funds on deposit shall be carried forward from year to year until expended.
- (e) If a person makes a payment pursuant to Section 62.1108(b) (2), the City Engineer will, within thirty (30) days of receipt of payment, provide that person with a copy of the field reports from inspections and a detailed accounting of the number of City Staff hours performed on the inspections.
- (f) The City Engineer may conduct random inspections of any work being done in the public rights-of-way, based on information provided in the Blockage Report. The City Engineer may inspect the work for compliance with all applicable laws, ordinances and construction standards with emphasis on the following:
  - (1) Traffic control procedures.
  - (2) Compliance with City street restoration standards.
  - (3) Compliance with the pavement cutting procedure.
- (g) If a City inspection discloses nonconformance with any of the requirements of this Division, the City shall provide written notice of the nonconformance within five (5) working days. The person placing the installation shall

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implement the corrective work specified by the City Engineer within five (5) working days of receipt of written notice of nonconformance. If the corrective work is not completed within five (5) working days of receipt of written notice of nonconformance, the City may perform the necessary repairs and all costs related to the repair shall be charged to the person placing the installation.

- (h) The City Engineer shall have the authority to stop work and to request that the excavation be uncovered to certify compliance with this Division.
- (i) Any City work done directly or indirectly to ensure compliance with the provisions of this Division shall be charged to the person placing the installation which requires the City work.
- (j) Any work done which is the result of a City required project shall be exempt from the inspection fee requirement of Section 62.1108.

*("Inspection Fees; Inspections" renumbered from Sec. 62.1107 on 10-8-2001 by O-18995 N.S.)*

#### **§62.1109 Pavement Restoration**

- (a) All persons excavating in the public rights-of-way shall restore pavement at the end of each of each day with either temporary or permanent pavement.
- (b) If permanent surfacing material cannot be installed within forty-eight (48) hours, by the end of each day all intersections, pedestrian crossings and other locations as required by the City Engineer shall be trench-plated or backfilled such that the excavation may be driven upon by vehicular traffic.
- (c) All damaged pavement shall be restored with surfacing material which matches both the surface and the structural strength of the adjacent surface.
- (d) All pavement on the public rights-of-way shall be restored with permanent surfacing material within seven (7) days where there are more than two lanes of travel, and within thirty (30) days where there are two or fewer lanes of travel.
- (e) Any striping removed or temporarily placed shall be restored within twenty-four (24) hours where there are more than two lanes of travel, and within seventy-two (72) hours where there are two or fewer lanes of travel.

*("Pavement Restoration" added 5-28-1996 by O-18309 N.S.)*

**§62.1110 Restoration of Decorative Surfaces**

In addition to the requirements of Section 62.1108, in any area where there is a decorative surface on the pavement:

- (a) Before disturbing any decorative surface, all persons excavating in the public rights-of-way shall provide information to the City Engineer to establish that it is necessary to disturb the decorative surface because other alternatives, such as rerouting, boring, jacking or scoping, cannot be used.
- (b) Before commencing work on the decorative surfaces, specifications shall be prepared that are designed to minimize destruction and ensure restoration of the same quality of surface. The specifications shall be submitted to the City Engineer for approval.
- (c) Written notice shall be delivered to the City Engineer at least two (2) working days before starting construction or trenching that will involve any disturbance of decorative surfaces. The notice shall include the location and estimated start and completion dates.
- (d) If unforeseeable circumstances arise requiring immediate action, written notice shall be delivered to the City Engineer as soon as possible upon the start of construction.
- (e) If the unforeseeable circumstances requiring immediate work arise after normal business hours, written notice shall be delivered to the City Engineer at the beginning of the next regular working day.
- (f) If it is necessary to remove any decorative surface, it shall be removed without damaging adjacent surface material.
- (g) In the public rights-of-way in the Centre City area of City, removable sections shall be designed and installed over any installations involving a decorative surface to provide access to the installations without destroying the decorative surface.
- (h) Decorative surfaces shall be restored, at no cost to the City, with surfacing material that matches both the surface and the structural strength of the adjacent surface.

*(“Restoration of Decorative Surfaces” added 5-28-1996 by O-18309 N.S.)*

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**§62.1111 Safety and Traffic Control**

- (a) All persons working in the public rights-of-way shall be responsible for the safe movement of both vehicular and pedestrian traffic through that person's construction and maintenance operations.
- (b) The City Engineer shall be notified of scheduled construction at least two (2) working days before commencing work.
- (c) Signs, warning devices, traffic control plans and general conditions of safety, as described either in the City's Standard Drawings or other State standards, shall be maintained.
- (d) All persons performing work in the public rights-of-way shall identify him, her or itself with on-site signs indicating the name of the person and the phone number to call in case of a complaint or emergency. Such signs shall remain on-site for two (2) weeks after completion of work.

*("Safety and Traffic Control" added 5-28-1996 by O-18309 N.S.)*

**§62.1112 Relocation of Installations**

- (a) All persons maintaining installations in the public rights-of-way shall relocate or remove their installations whenever such relocation is necessary for a proper governmental purpose, whether or not that purpose is to be accomplished by a public entity or by a private entity on behalf of a public entity. In such cases, the cost of the relocation or removal shall be borne by the person.
- (b) When installations need to be relocated or removed as a result of construction by a private entity, except as set forth in Section 62.1112 (a), the cost of such relocation or removal shall be borne by the private entity undertaking the construction. That private entity shall contact the owner of the installations affected by the work to advise them of proposed improvements. That private entity shall also make specific arrangements for the relocation of any conflicting installations.

*(Amended 4-12-1999 by O-18632 N.S.)*



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**§62.1113 Cathodic Protection**

- (a) Public utilities maintaining installations in the public rights-of-way shall provide Cathodic Protection in accordance with the practice of the National Association of Corrosion Engineers (NACE).
- (b) If the NACE standards conflict with either the California Department of Transportation or California Public Utilities Commission's requirements, the most stringent requirements shall govern.

*("Cathodic Protection" added 5-28-1996 by O-18309 N.S.)*

**§62.1114 Quality Control**

- (a) All persons performing work in the public rights-of-way are solely responsible for ensuring that the work performed, whether by that person, contractors, subcontractors, employees, agents or representatives, complies with all applicable City and State standards.
- (b) At the beginning of each calendar year, each public utility with installations in the public rights-of-way shall submit a quality control plan and emergency closure plan to the City Engineer for approval.
  - (1) The quality control plan shall indicate the number of inspectors and the areas to which they are assigned.
  - (2) Each emergency closure plan shall indicate steps to be taken during a flood or earthquake to address safety issues.
  - (3) An emergency closure plan shall be filed with the City Engineer and with the City Emergency Operations Center.

*("Quality Control" added 5-28-1996 by O-18309 N.S.)*